

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA,  
et al.,**

Plaintiff(s),

v.

**NCR CORPORATION, et al.,**

Defendant(s).

TELEPHONE SCHEDULING CONFERENCE

Case No. 10-C-910

HONORABLE WILLIAM C. GRIESBACH, presiding  
Deputy Clerk: Cheryl  
Proceeding Held: August 10, 2012

Tape: 081012  
Hearing Began: 1:33 p.m.  
Hearing Ended: 1:41 p.m.

**Appearances:**

**Plaintiff(s):** No Appearance

**Defendant(s):** Mary Rose Alexander for Georgia Pacific  
Anne Lynch for Menasha Corporation  
Darin P. McAtee for NCR  
M. Andrew Skwierawski for City of Green Bay  
Richard C. Yde for City of Appleton  
William Mulligan for Neenah Menasha Sewerage Commission  
Ron Ragatz and Dennis Birke for Appleton Papers  
Terry Nilles for CBC Coating  
John Florence for US Paper

Attorney McAtee requests that the motions be briefed simultaneously and be submitted by August 17, 2012. He states the issues are not complex and the motions are intertwined.  
Attorney Ragatz states that due to the nature of the motions that API's motion should be considered first or it should be stricken. API argues that arbitration should be allowed and it does not make sense for the Court to decide these matters when there is an arbitration provision.  
Attorney McAtee states that it is following appropriate procedure.  
Attorney Ragatz states that their understanding of the law in the 7<sup>th</sup> Circuit is that when there is a valid arbitration clause, and that there is no dispute as to regard to the arbitration clause in this case, that the Court is not to delve into the merits and that the matter should be sent to arbitration.  
The Court comments on arbitration issue. The Court sets simultaneous briefing for motions. Briefs are due on or before August 22, 2012.